

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOCUMENT  
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DR. PAUL M. CONTI,

Plaintiff,

- against -

JOHN DOE,

Defendant.  
-----X

17 CV 9268 (VEC) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

The Court will be holding a hearing concerning the claim of interested non-parties ("James Doe" and "Jane Doe") that they have a confidential medical professional – patient relationship supporting objections asserted during the deposition of James Doe. Both James and Jane Doe as well as Defendant John Doe request that the courtroom be closed for the hearing and that the parties and James and Jane Doe be afforded the opportunity to request redaction or anonymization of the hearing record prior to unsealing. (See Dkt. 154-55.) Plaintiff does not oppose this request but does oppose the request that only anonymized names be used at the hearing.

The Honorable Valerie E. Caproni previously has granted permission for the litigation to proceed on an anonymized basis with respect to reference to Defendant John Doe in public filings. This Court finds that the concerns underlying Judge Caproni's prior orders on the subject apply with even greater force to the upcoming hearing, which focuses on the purported privilege of non-parties in the context of a discovery dispute. Accordingly:

The courtroom for the hearing currently scheduled for September 16, 2019 will be closed, and James and Jane Doe as well as the parties shall be afforded the opportunity to request redaction or anonymization of the hearing record prior to unsealing. In light of the foregoing, the Court finds no need to anonymize the participants names during the hearing.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', is written over a horizontal line.

ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: September 13, 2019  
New York, New York

Copies transmitted to all counsel of record by ECF